

[Submitting Counsel on Signature Page]

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA**

People of the State of California, et al.

v.

Meta Platforms, Inc., Instagram, LLC, Meta  
Payments, Inc., Meta Platforms Technologies,  
LLC

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Office of the Attorney General, State of Florida,  
Department of Legal Affairs

v.

Meta Platforms, Inc., Instagram, LLC.

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IN RE: SOCIAL MEDIA ADOLESCENT  
ADDICTION/PERSONAL INJURY PRODUCTS  
LIABILITY LITIGATION

THIS DOCUMENT RELATES TO:

4:23-cv-05448, 4:23-cv-05885.

MDL No. 3047

Case Nos.: 4:23-cv-05448-YGR  
4:23-cv-05885-YGR

**STATE ATTORNEYS GENERAL'S  
RESPONSE TO DEFENDANT META'S  
MOTION FOR LEAVE TO SUBMIT  
SUPPLEMENTAL AUTHORITY**

Judge: Hon. Yvonne Gonzalez Rogers

Magistrate Judge: Hon. Peter H. Kang

The State Attorneys General ("State AGs") submit this response to Defendant Meta Platforms, Inc.'s ("Meta") motion for leave to submit supplemental authority [ECF 844] in support of its motion to dismiss the State AGs' complaints [ECF 517].

At the May 17, 2024 Case Management Conference (“CMC”), the Court granted Meta’s motion for leave and, on the record, permitted the State AGs to file a response.

The State AGs identified errors within Meta’s recitation of the authority, including irrelevant statutes, incorrect statutory citations, and an absence of effective dates for amendments. Accordingly, the State AGs submit a corrected version of Meta’s supplemental authority, which is attached hereto as Exhibit A.

DATED: May 20, 2024

Respectfully submitted,

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**EXHIBIT A**

State Statute	Citation	Enactment Year	Amendment Year	State AGs' Comments/Revisions to Meta's Chart
<b>Alabama:</b> Deceptive Trade Practices Act	Ala. Code §§ 8-19-1 to 8-19-15	1981	2021	No revisions.
<b>Arizona:</b> Consumer Fraud Act	Ariz. Rev. Stat. §§ 44-1521 <i>et seq.</i>	1967	2023	No revisions.
<b>California:</b> Unfair Competition Law	Cal. Bus. & Prof. Code §§ 17200 <i>et seq.</i>	1977	2022	Meta's reference to a 2022 statutory amendment is irrelevant to this litigation. The Unfair Competition Law was originally enacted as an amendment to Cal. Civil Code § 3369 in 1933. <i>See</i> 1933 Cal. Stat. ch. 953, § 1, p. 2482. The operative provisions were subsequently moved to Cal. Bus. & Prof. Code § 17200 <i>et seq.</i> in 1977. <i>See</i> 1977 Cal. Stat. ch. 299, § 1, p. 1202. The 2022 amendment added a provision, Cal. Bus. & Prof. Code § 17206.2, providing for additional civil penalties for violations against veterans and military service members, that is not at issue. <i>See</i> 2022 Cal. Stat. ch. 620 (S.B.1311), § 2.
<b>California:</b> False Advertising Law	Cal. Bus. & Prof. Code § 17500 <i>et seq.</i>	1941	2016	Meta's reference to a 2016 statutory amendment is irrelevant to this litigation. The False Advertising Law was originally enacted as an amendment to Cal. Penal Code § 654a in 1915. <i>See</i> 1915 Cal. Stat. ch. 634, § 1, pp. 1252-1253. The operative provisions were subsequently moved to Cal. Bus. & Prof. Code § 17500 <i>et seq.</i> in 1941. <i>See</i> 1941 Cal. Stat. ch. 63, § 1, pp. 727-729.

				Meta appears to refer to a 2016 amendment to Cal. Bus. & Prof. Code § 17508, a provision not at issue, which added authority for county counsels to request businesses substantiate their “advertising claims.” <i>See</i> 2016 Cal. Stat. ch. 38 (S.B.1130).
<b>Colorado:</b> Consumer Protection Act	Colo. Rev. Stat. § 6–1–101 to § 6–1–116	1969	2023	No revisions.
<b>Connecticut:</b> Unfair Trade Practices Act	Conn. Gen. Stat. § 42–110a to § 42–110q	1973	2023	No revisions.
<b>Delaware:</b> Consumer Fraud Act	6 Del. Code Ann., § 2511 to § 2527	1965	2021	Meta’s chart lists an incorrect amendment year. The correct amendment year is 2021. Additionally, Meta’s citation is incorrect. The correct citation is 6 Del. Code Ann., § 2511 to § 2527. § 2528 was repealed by 82 Del. Laws, c. 267, § 4, effective May 1, 2022.
<b>Delaware:</b> Deceptive Trade Practices Act	6 Del. Code Ann. § 2531 to § 2536	1965	2010	No revisions.
<b>Florida:</b> Deceptive and Unfair Trade Practices Act	F.S.A. § 501.201 to § 501.23	1973	2023	No revisions.
<b>Georgia:</b> Fair Business Practices Act	O.C.G.A. § 10–1–390 to § 10–1–408	1975	2024	Meta’s chart lists an incorrect amendment year. The correct amendment year is 2024.
<b>Hawai’i:</b> Consumer Protection law	H.R.S. § 480–1 to § 480–24	1961	2016	No revisions.

<b>Idaho:</b> Consumer Protection Act	I.C. § 48–601 to § 48–619	1971	2023	No revisions.
<b>Illinois:</b> Consumer Fraud and Deceptive Business Practices Act (“Consumer Fraud Act”)	815 ILCS 505/1 to 505/12	1961	2024	No revisions.
<b>Illinois:</b> Uniform Deceptive Trade Practices Act	815 ILCS 510/1 to 510/7	1965	2001	No revisions.
<b>Indiana:</b> Deceptive Consumer Sales Act (“Consumer Act”)	Ind. Code § 24–5–0.5–0.1 to § 24–5–0.5–12	1971	2023	No revisions.
<b>Kansas:</b> Consumer Protection Act	K.S.A. § 50–623 to § 50–643	1973	2019	No revisions.
<b>Kentucky:</b> Consumer Protection Act	Ky. Rev. Stat. § 367.110 to § 367.360	1972	2024	No revisions.
<b>Louisiana:</b> Unfair Trade Practices Act	La. Rev. Stat. Ann. § 1401 to § 1430	1972	2019	No revisions.
<b>Maine:</b> Unfair Trade Practices Act	5 M.R.S.A. § 205–A to § 214	1969	2007	No revisions

				The Consumer Protection Act was first enacted in 1967 and then re-codified in 1975. Notably, the Maryland OAG did not bring any UDAP claims in this matter, so the inclusion of this statute is improper as to the State AGs' action (though may have been included because of the private litigants' claims). Therefore, although the Consumer Protection Act was amended in 2024, State AGs have not considered how they might apply to this case.
<b>Maryland:</b> Consumer Protection Act	Md. Code Ann., Com. Law § 13–101 to § 13–501	1967	2023	
<b>Massachusetts:</b> Consumer Protection statutes	Mass. Gen. Laws Ann. Ch. 93A, <i>et seq.</i>	1967	2004	No revisions.
<b>Michigan:</b> Consumer Protection Act	Mich. Comp. Laws § 445.901 to § 445.922	1976	2022	No revisions.
<b>Minnesota:</b> Uniform Deceptive Trade Practices Act	M.S.A. § 325D.43 to § 325D.48	1973	2023	No revisions.
<b>Missouri:</b> Merchandising Practices Act	Mo. Rev. Stat. § 407.005 to § 407.315	1967	2023	No revisions. However, the amendments to the statute from 2023 do not pertain to the claims in this case as they relate to scrap metal sales.
<b>Nebraska:</b> Consumer Protection Act	Neb. Rev. Stat. § 59-1601 to § 59-1623	1974	2024	No revisions.
<b>Nebraska:</b> Uniform Deceptive Trade Practices Act	Ne. Rev. Stat. § 87-301 to § 87-306	1969	2016	No revisions.



<b>New Jersey:</b> Consumer Fraud Act	N.J. Stat. Ann. § 56:8–1 to § 56:8– 229	1960	2023	No revisions.
<b>New York:</b> Consumer Protections Act	N.Y. Exec. L. § 63(12); N.Y. Gen. Bus. L. §§ 349, 350	1951 (N.Y. Exec. L. § 63(12)); 1970 (N.Y. Gen. Bus. L. § 349); and 1963 (N.Y. Gen. Bus. L. § 350)	2024 (N.Y. Exec. L. § 63(12); 2014 (N.Y. Gen. Bus. L. § 349); and 1963 (N.Y. Gen. Bus. L. § 350)	All three claims NY raised have independent trade or commerce language. State AGs have so provided separate dates for each. Note that Executive Law 63(12) (the relevant provision of the Executive Law) was passed in 1956.
<b>North Carolina:</b> Consumer Protection Act	N.C.G.S. § 75-1 to § 75-49	1913	2018	Meta’s chart concerns all of N.C.G.S. Chapter 75, Article 1, but the statute defining “commerce” is N.C.G.S. § 75-1.1. It was enacted in 1969 and last amended in 1977. <i>See</i> N.C. Session Law 1969-833 (enacting the UDAP law), N.C. Session Law 1977-747 (defining “commerce”). Regardless, Meta did not move to dismiss on commerce grounds with respect to North Carolina.
<b>North Dakota:</b> Unlawful Sales or Advertising Practices Act	N.D. Cent. Code § 51– 15–01 to § 51–15–12	1965	2021	No revisions.
<b>Ohio:</b> Consumer Sales Practices Act	Ohio Rev. Code § 1345.01 to § 1345.13	1972	2023	No revisions.
<b>Oregon:</b> Unlawful Trade Practices Act	O.R.S. § 646.605 to § 646.700	1971	2023	Meta’s chart lists an incorrect enactment year. The correct enactment year is 1971.

<b>Pennsylvania:</b> Unfair Trade Practices and Consumer Protection Law	73 P.S. § 201–1 to § 201–10	1968	2022	Meta’s chart lists an incorrect amendment year. The last amendment was made in 2022 and became effective on January 9, 2023. 73 Pa. Stat. Ann. § 201-9.4.
<b>Rhode Island:</b> Deceptive Trade Practices Act	R.I. Gen. L. § 6–13.1–1 to § 6–13.1–30	1956	2016 (§ 6-13.1-7) and 2021 (§§ 6-13.1-4 to 6.13.1-5; 6-13.1-5.2; and 6-13.1-8)	Meta’s chart lists an incorrect amendment year. § 6-13.1-7 was amended in 2016. §§ 6-13.1-4–6.13.1-5; 6-13.1-5.2; and 6-13.1-8 were amended in 2021.
<b>South Carolina:</b> Unfair Trade Practices Act	S.C. Code Ann. § 39–5–10 to § 39–5–730	1971	2017	Meta’s chart lists incorrect enactment and amendment years. The correct enactment year is 1971 and the last amendment was made in 2017.
<b>South Dakota:</b> Consumer Protection Statute	S.D.C.L. ch. 37-24	1971	2024	Meta’s chart failed to include any information for South Dakota.
<b>Tennessee:</b> Consumer Protection Act	Tenn. Code. Ann. § 47–18–101 to § 47–18–135	1977	2024	No revisions.
<b>Texas:</b> Deceptive Trade Practices Act	Tx. Bus. & Com. Code Ann. § 17.41 to § 17.63	1973	2019	No revisions.
<b>Utah:</b> Consumer Sales Practices Act	Utah Code Ann. § 13–11–1 to § 13–11–23	1953	2004	No revisions.
<b>Vermont:</b> Consumer Fraud Act	9 Vt. Stat. Ann. § 2451 to § 2466c	1967	2017	No revisions.
<b>Virginia:</b> Consumer Protection Act	Va. Code § 59.1–196 to § 59.1–207	1977	2024	No revisions. However, State AGs note that the amendments made in 2024 are not effective until July 1, 2024.

<b>Washington:</b> Consumer Protection Act	RCW 19.86.010 to 19.86.920	1961	2021 (effective July 25, 2021) and 2024 (effective June 6, 2024)	Meta's chart fails to list any amendment year, despite amendments being made for RCW 19.86.140 in 2021 (effective July 25, 2021) and 2024 (effective June 6, 2024).
<b>Wisconsin:</b> Marketing; Trade Practices Act	Wis. Stat. § 100.01 to § 100.75	1913	2017	No revisions.

**ATTESTATION**

I, Thomas Huynh, hereby attest, pursuant to N.D. Cal. Civil L.R. 5-1, that the concurrence to the filing of this document has been obtained from each signatory hereto.

DATED: May 20, 2024

  
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THOMAS HUYNH  
Deputy Attorney General